



Setti D. Warren
Mayor

City of Newton, Massachusetts
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Candace Havens
Director

MEMORANDUM

Public Hearing Date: April 12, 2011
Land Use Action Date: June 7, 2011
Board of Aldermen Action Date: June 20, 2011
90-Day Expiration Date: July 5, 2011

DATE: April 9, 2011

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning ^{ET}
Derek Valentine, Senior Planner

SUBJECT: #337-05(2) NEW CINGULAR WIRELESS BY AT&T MOBILITY/COMMONWEALTH HOUSE TRUST petition TO AMEND SPECIAL PERMIT #337-05/SITE PLAN APPROVAL/EXTENSION OF A NONCONFORMING STRUCTURE, for six wireless antennas on the façade of a rooftop penthouse behind a faux-brick stealthing by adding three antennas (for a total of 9) and to extend the faux-brick stealthing at 209 COMMONWEALTH AVE, Ward 7, Chestnut Hill on land known as SBL 63, 8, 20, containing 20,338 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2007, and Special Permit #337-05.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The property at 209 Commonwealth Avenue consists of a 20,338 square foot lot improved with a residential condominium building. In 2005, six antennas and ancillary equipment were approved for this site through Board Order #337-05. The antennas are located behind a faux-brick stealthing atop the condominium building. Relief was granted in 2005 to allow the extension of a nonconforming structure (38' height where 30' is allowed). The petitioner seeks to upgrade equipment at this address to the new 4G LTE network to better serve the Newton area market. AT&T is proposing the addition of three antennas, one on each sector for a total of nine antennas. The ancillary equipment will remain outside of the building within a sound barrier, but one of the antennas will be located on the front of the penthouse and will be stealthed with a faux wall, consistent with what is already located on the premises. Since this petition will effectively result in a larger faux-brick penthouse, the visual impact of the improvements will be minimal when viewed from the ground. The Planning Department supports the addition of wireless equipment on existing wireless sites because it minimizes the number of new sites required to meet the service needs of customers. Also, the petitioner has submitted a letter from an acoustical engineer indicating that there will be no additional noise as a result of the new equipment.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

1) The extension of the structure, which is nonconforming with regard to height, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure for the following reasons:

- The proposed expansion of the faux-brick wall will be located in the center of the building, away from the edges and will not be any higher than the existing nonconforming faux-brick wall.
- The extension of the faux-brick wall is to conceal wireless equipment. The extension of this wall is preferable to seeing the actual wireless equipment because it will blend in with the façade of the existing building.
- The proposal was reviewed through an administrative review by the Senior Preservation Planner and determined not to detract from the historic resources of the Commonwealth Avenue National Register Historic District.

2) By modifying the existing installation, public convenience and welfare will be served by providing enhanced service to Newton residents without the necessity for additional wireless sites and without the generation of additional noise.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on the north side of Commonwealth Avenue, just west of Boston College's Chestnut Hill Campus. It is located in an area of multi-family land uses. The property is in the multi-residence 1 zone.

B. Site

The site is 20,338 square feet with a large, multi-family residential building consisting of 15 privately-owned condominiums.

III. PROJECT DESCRIPTION AND ANALYSIS



Existing conditions (with circle around current equipment location)



Proposed Conditions

A. Land Use

The building will continue to be used as a residential condominium building with wireless equipment atop the roof.

B. Site Design

The previous special permit authorized the addition of six antennas around the existing penthouse building, surrounded on three sides by faux-brick walls. The petitioner seeks to add three more antennas and surround the entire penthouse with four faux-brick walls, effectively creating a new, faux penthouse to surround the existing one. There are no changes proposed on the ground.

The Senior Preservation Planner has reviewed the application and determined that the addition will not further disrupt this building, which lies in the Commonwealth Avenue National Register Historic District.

C. Parking and Circulation

No change is proposed as part of this petition. The new equipment is not expected to generate any significant traffic, other than very infrequent maintenance vehicles once every month.

D. Landscape Screening and Lighting

No landscape screening is proposed at this time. Since the wireless equipment and faux-brick enclosure will be located on the center of the condominium's roof, there is

no effective landscaping that would screen the equipment from ground-level view.

IV. COMPREHENSIVE PLAN

There is little discussion of wireless installations in the 2007 *Newton Comprehensive Plan*. However, the *Comprehensive Plan* says that “development is to be guided to reflect the character held or sought by existing residential neighborhoods, protecting the qualities of that which exists.” By adding additional wireless antennas to an existing installation behind a faux-brick wall, this proposal minimizes changes to the character of this site and minimizes potential changes to the character of other sites which would otherwise be host to this equipment.

V. TECHNICAL REVIEW

- A. Technical Considerations. The Zoning Review Memorandum (**SEE ATTACHMENT “C”**) provides an analysis of the proposal. The petitioner seeks a special permit and site plan approval under Section 30-24 and 30-23, respectively. The petitioner must comply with all requirements of Section 30-18A(c) which governs the installation of new wireless equipment. 31-21(a)(2)(b) and 30-21(b) to allow the extension of a building which is nonconforming with regard to height because of the 8’ tall faux-brick penthouse.
- B. Parking Requirements. The proposed changes do not trigger any additional parking requirements.
- C. Other Reviews
 - 1. Engineering. No engineering review is necessary because the petition will not increase or modify impervious coverage on-site or require any changes at ground level.
 - 2. Fire Department. Because there are no changes to the site plan other than the addition of three antennas, no fire access review is necessary. Fire prevention review will occur as part of the Building Permit application process.

VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review (**SEE ATTACHMENT “C”**) the petitioner is seeking

approval through or relief from:

- §30-18A(c) to satisfy all conditions of the wireless ordinance
- §30-21(a)(2)(b) and 30-21(b) to allow the extension of a nonconforming structure
- §30-23 for site plan approval
- §30-24 for issuance of a Special Permit

VII. Summary of Petitioner's Responsibilities

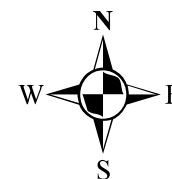
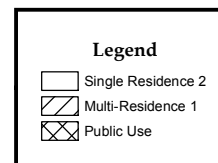
The petition is complete at this time.

ATTACHMENTS

- ATTACHMENT A: Zoning Map**
- ATTACHMENT B: Land Use Map**
- ATTACHMENT C: Zoning Review Memorandum**
- ATTACHMENT D: Draft Board Order #337-05(2)**
- ATTACHMENT E: Acoustical Report**
- ATTACHMENT F: Board Order #337-05**

209 Comm. Ave Vicinity Zoning

*City of Newton,
Massachusetts*



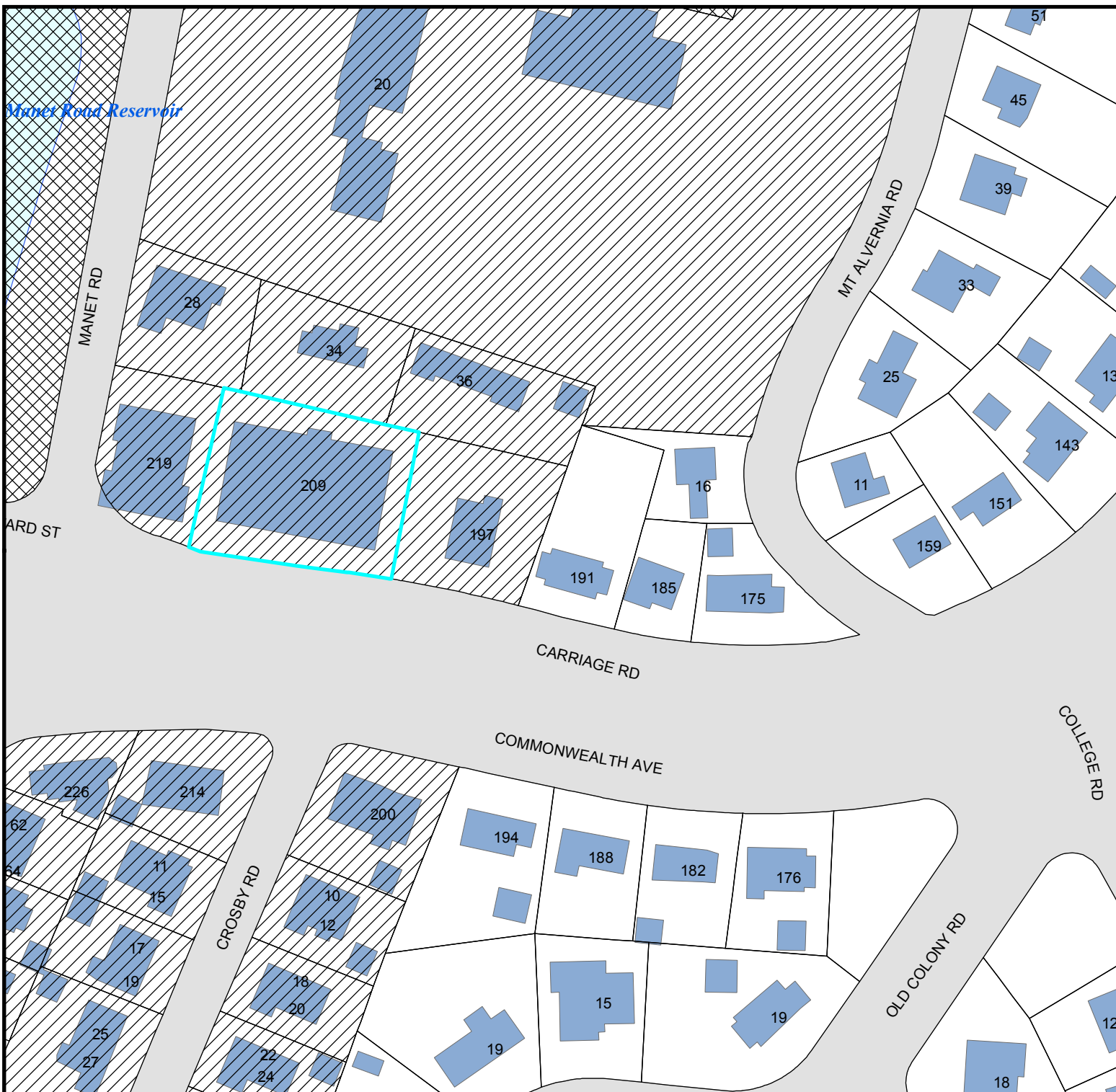
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield

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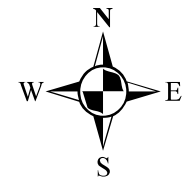
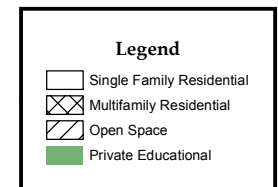
MAP DATE: April 05, 2011

ATTACHMENT A



209 Comm. Ave Vicinity Land Use

*City of Newton,
Massachusetts*



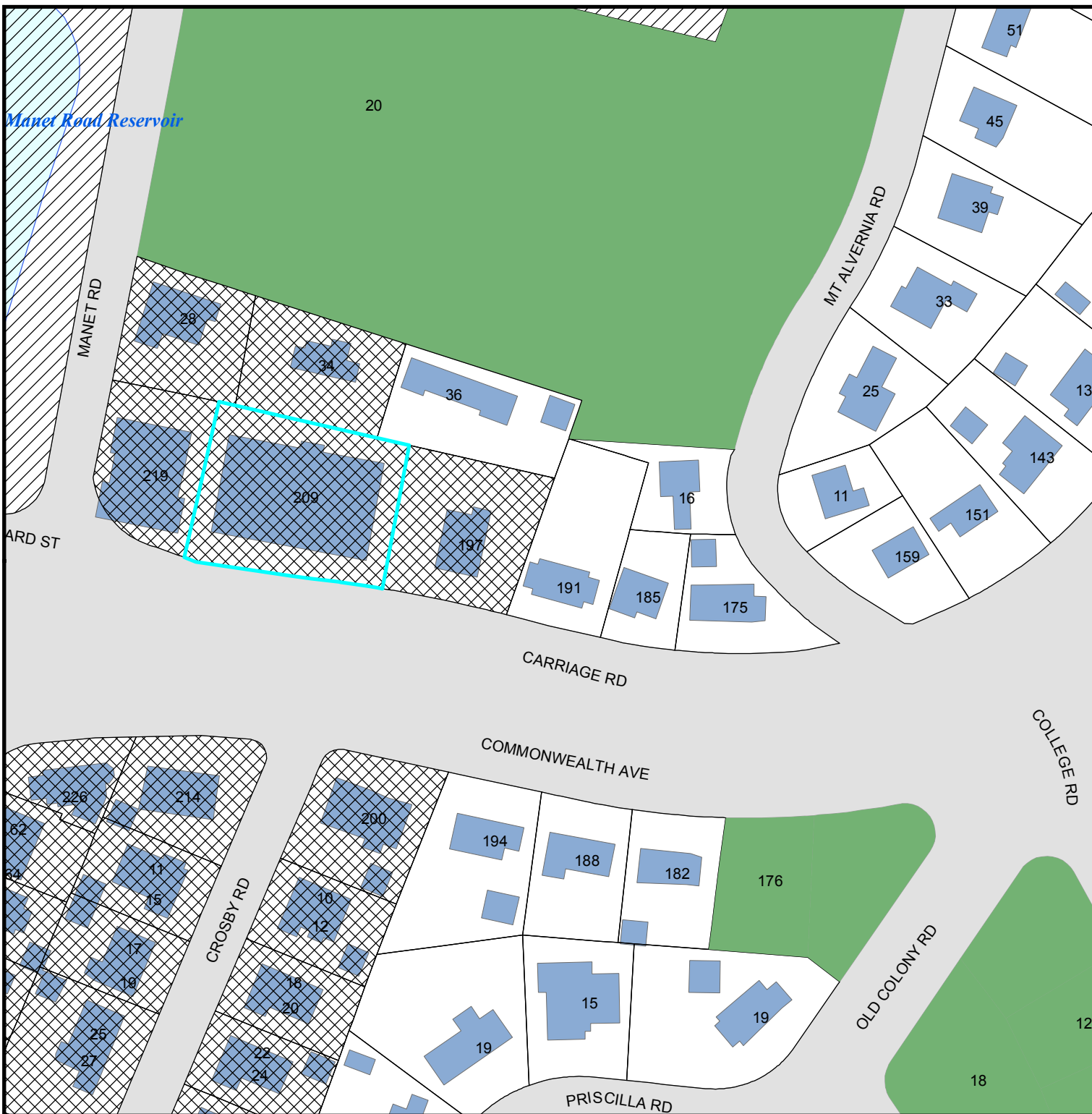
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield

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MAP DATE: April 05, 2011

ATTACHMENT B



ATTACHMENT C

Zoning Review Memorandum

Date: March 30, 2011

To: John Lojek, Commissioner of Inspectional Services

Fr: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning

Cc: Joan Costello, Site Acquisition Manager
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to expand a wireless communications installation previously allowed by special permit

Applicant: New Cingular Wireless/AT&T Mobility	
Site: 209 Commonwealth Ave	SBL: 63008 0020
Zoning: MR1	Lot Area: 20,338 square feet
Current use: Wireless Communications	Proposed use: Wireless Communications

Background:

The property consists of a 20,338 square foot lot in the MR1 zone containing a residential condominium. In 2005 New Cingular Wireless (now owned by AT&T) was granted a special permit (B.O. #337-05) to locate six (now existing) antennae on the façade of the penthouse, concealed behind faux-brick stealthing. A special permit was required per Section 30-18A(e)(6) for locating building mounted wireless communications equipment on multifamily structure in residential zones. The applicant now proposes to add three additional antennae to the site and expand the faux-brick stealthing.

The following review is based on plans and materials submitted to date as noted below.

Plans and materials reviewed:

- Site Plan, Turning Mill Consultants, James P. Stroke, Professional Engineer, signed and stamped, 11/2/10
 - Title Sheet
 - General Notes
 - Property Plan
 - Compound Plan and Elevation
 - Enlarged Plan and Details
 - Electrical Schematic Diagrams
- Letter of authorization, signed by Charna Heiko, President of the Board of Trustees, 12/21/10

- Copy of Board Order #337-05
- FCC Licenses, dated April 2009
- Report of Radio Frequency Engineer, certifying compliance with State and Federal regulations, signed by Kevin Breuer, RF Engineer, 1/4/11
- Acoustical report certifying no increase in exterior noise, signed by Eric L. Reuter, INCE Bd. Cert., 1/11/11.
- Photo simulations showing proposed antennae, prepared by ER Photo Simulations, photos taken 9/30/10, drawings done 11/2/10

Administrative determinations:

1. A previous special permit, B.O. #337-05, was granted in 2005 allowing the installation of wireless equipment on a multifamily structure in a residential district, per the requirements of Section 30-18A(e)(6). Under the special permit, six antennae were installed behind faux-brick stealthing encircling on three sides an existing rooftop penthouse. Associated equipment was placed within the penthouse. The applicant proposes to add three antennae and add additional faux-brick stealthing to completely surround the penthouse/equipment room. The applicant must amend the previous special permit for the site, incorporating all previous special permit requirements into the new special permit, and amend the site plan, showing all existing and proposed structures and equipment, per the requirements of Sections 30-18A(f) and 30-23 for site plan review.
2. The previous special permit, B.O. #337-05, also granted a special permit waiver for the extension of a nonconforming structure, in this case allowing an increase in building height to accommodate the then proposed wireless installation. The building was 38 feet high where 30 feet is allowed in the zone. B.O. #337-05 allowed an extension of a nonconforming structure for the penthouse and wireless facilities. The current proposed plan extends the nonconforming structure by adding new faux-brick stealthing on the roof. The applicant must obtain a special permit per Sections 30-21(a)(2)b) and 30-21(b) to extend this nonconformity.
3. The applicant has submitted a letter from an RF engineer certifying that the proposed wireless equipment meets State and Federal requirements per Section 30-18A(c)(1). The applicant has also submitted a letter from an acoustical engineer certifying that the building will not produce any additional exterior noise per Section 30-18A(c)(12).
4. The applicant must agree to remove all wireless communication equipment within thirty days following the cessation of its use, per Section 30-18A(c)(2).
5. The proposed site plan and project description meets all other requirements of Section 30-18A(c).
6. A condition of the special permit must be that the applicant allow co-location on the structure of wireless communication equipment by other wireless communication providers, per Section 30-18A(e)(7)e).

7. See “Zoning Relief Summary” below:

<i>Zoning Relief Summary</i>		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
	Amend existing special permit pursuant to B.O. #337-05	Amendment to B.O. #337-05
	Amend site plan, pursuant to B.O. #337-05	Amendment to B.O. #337-05
§30-21(a)(2)b), §30-21(b)	Allow extension of a nonconforming structure	S.P. per §30-24
§30-18A(c)	Satisfy all conditions	

ATTACHMENT D

DRAFT
#337-05(2)

CITY OF NEWTON IN BOARD OF ALDERMEN

April 11, 2011

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, hereby grants the following AMENDMENT TO SPECIAL PERMIT 337-05 and SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING STRUCTURE, for six wireless antennas on the façade of a rooftop penthouse behind a faux-brick stealthing by adding three antennas (for a total of 9) and to extend the faux-brick stealthing, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefore, through its Chairman, Alderman Hess-Mahan:

- 1) In reviewing this petition the Board should consider whether the extension of the structure, which is nonconforming with regard to height, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure for the following reasons:
 - a. The proposed expansion of the faux-brick wall will be located in the center of the building, away from the edges and will not be any higher than the existing nonconforming faux-brick wall.
 - b. The extension of the faux-brick wall is to conceal wireless equipment. The extension of this wall is preferable to seeing the actual wireless equipment because it will blend in with the façade of the existing building.
 - c. The proposal was reviewed through an administrative review by the Senior Preservation Planner and determined not to detract from the historic resources of the Commonwealth Avenue National Register Historic District.
 - d. The wireless equipment will be built in accordance with Newton Zoning Ordinance Section 30-18A.

2) By modifying the existing installation, public convenience and welfare will be served by providing enhanced service to Newton residents without the necessity for additional wireless sites and without the generation of additional exterior noise.

PETITION NUMBER: #337-05(2)

PETITIONER: New Cingular Wireless by AT&T Mobility/Commonwealth House Trust

LOCATION: 209 Commonwealth Ave, Ward 7, Chestnut Hill, SBL 63,8,20, on 20,338 sq. ft. of land.

OWNER: Commonwealth House Trust

ADDRESS OF OWNER: 209 Commonwealth Ave, Newton, MA

TO BE USED FOR: Three wireless antennas behind a faux-brick stealthing.

EXPLANATORY NOTE: The petitioner seeks a special permit and site plan approval under Section 30-24 and 30-23, respectively. The petitioner must comply with all requirements of Section 30-18A(c) which governs the installation of new wireless equipment. 31-21(a)(2)(b) and 30-21(b) to allow the extension of a building which is nonconforming with regard to height because of the 8' tall faux-brick penthouse.

ZONING: Multi-Residence 1

Approved, subject to the following conditions:

1. The wireless antennas shall be located and constructed consistent with the plans prepared by James P. Stroke, P.E., of SAI Communications, 22 Keenwaydin Drive, Salem, NH 03079, dated 10/1/10, with revisions through 11/2/10, including the following sheets:
 - a. Sheet C-101 entitled "Property Plan";
 - b. Sheet E-101 entitled "Compound Plan and Elevations";
 - c. Sheet E-401 entitled "Enlarged Plans and Details";
 - d. Sheet E-601 entitled "Electrical Schematic Diagrams";

2. The equipment will be kept in good appearance and in good operating order at all times.
3. This Board Order shall supersede Board Order #337-05
4. This Special Permit shall be limited to the use of New Cingular Wireless or its successors and shall not be transferrable.
5. The petitioner shall submit material samples and colors for the proposed screen walls for the new faux-brick penthouse to the Director of Planning & Development for review and approval.
6. If the wireless communication use ceases, the petitioner shall be responsible for the removal of said equipment within thirty (30) days.
7. If new technological changes permit smaller or internal equipment, the petitioner shall take advantage of such changes and replace the equipment approved herein to the extent feasible at this location, and approval for such replacement shall not be unreasonably withheld by the property owner of 209 Commonwealth Avenue.
8. No building permit shall be issued pursuant to this SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF A NONCONFORMING STRUCTURE until the petitioner has:
 - a. Recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF A NONCONFORMING STRUCTURE.
 - b. Filed a certified copy of such recorded notice with the Clerk of the Board, the Inspectional Services Department and the Department of Planning and Development.
9. No portion of the building pursuant to this SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF A NONCONFORMING STRUCTURE shall be occupied until the petitioner has:
 - a. Filed with the Department of Inspectional Services and the Department of Planning and Development, a statement by a registered engineer certifying compliance with Condition #1.

April 5, 2011

Joan Costello
Turning Mill Consultants
68 Tupper Road
Sandwich, MA 02563

SUBJECT: AT&T Mobility Site 2186 – Noise Study

Dear Joan,

I have conducted noise measurements at AT&T Mobility site 2186, located at 209 Commonwealth Ave. in Chestnut Hill, MA, in order to assess compliance with the local noise ordinance.

The Noise Control Ordinance of the City of Newton, Section 20-13 of the City of Newton Ordinances, allows sources of noise to increase the background sound level by 10 dBA, or 5 dBA for tonal sounds. No other provisions or limits of the ordinance apply to this site. This limit is assumed to apply at the nearest property line.

Background Noise Levels

In order to establish the existing background sound level, as required by the ordinance, a sound level monitor was installed on the site and programmed to collect data for a period of two days, in one-hour intervals. The instrument used was a Rion model NL-31, which complies with ANSI S1.4 for Type 1 instrumentation.

The attached Figure 1 presents the L_{90} sound levels measured. The L_{90} represents the sound level exceeded during 90% of the measurement interval, and is commonly used to represent the background noise level.

The monitor was installed at a grade-level location where it would be shielded from the noise generated by the AT&T equipment. The location is shown in Figure 2.

The lowest L_{90} reached during the measurement period was 41 dBA. Therefore, the limit for equipment at this site is 51 dBA, or 46 dBA for tonal sounds.

Equipment Noise Levels

The base station equipment at this site is located outdoors on the roof of the building, and is surrounded by a sound barrier.

There is an opening in the northern side of the sound barrier to allow entrance to this area, and noise levels were measured just outside this opening. Based on this measurement, I estimate that the AT&T equipment would generate a noise level of 40 dBA at the nearest property line, approximately 40 feet north of the equipment. This is well below the limit of 51 dBA.

The locations of the equipment and property line are shown in Figure 2.

It should be noted that exhaust fans serving the building dominate the sound level at the northern edge of the roof, rendering the AT&T equipment inaudible at this distance.

Conclusion

This site complies with the Noise Control Ordinance of the City of Newton, Section 20-13 of the City of Newton Ordinances.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Reuter", with a long horizontal flourish extending to the right.

Eric L. Reuter, INCE Bd. Cert.
Principal

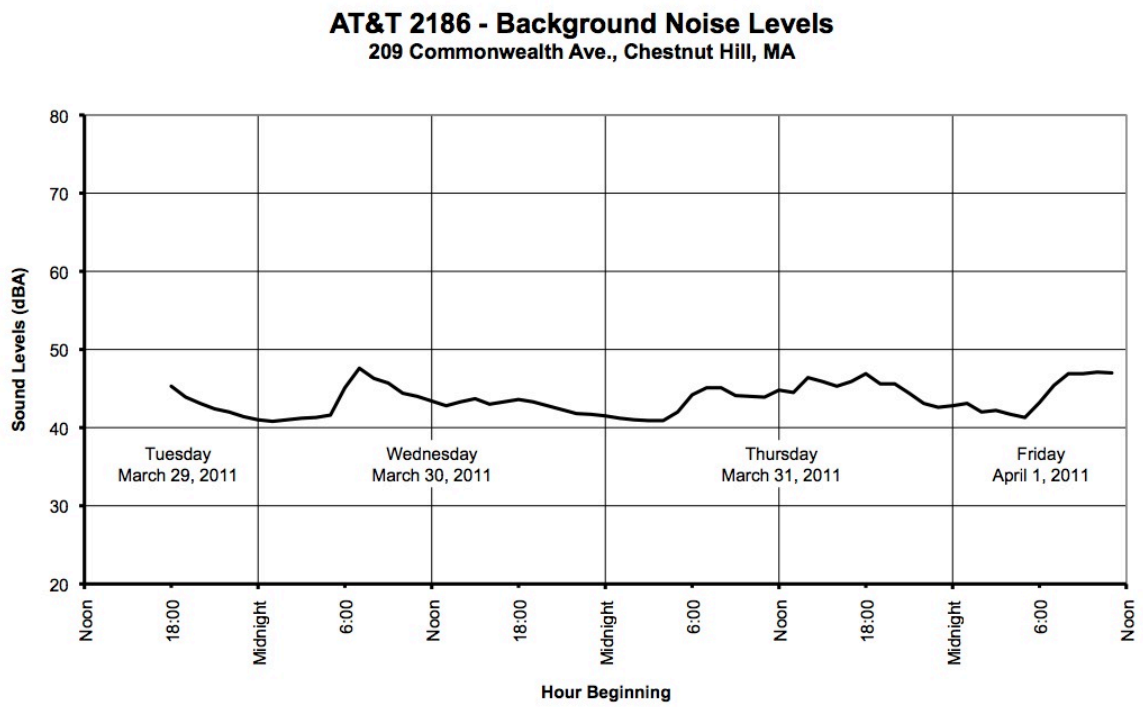


Figure 1 – Sound Monitor Data

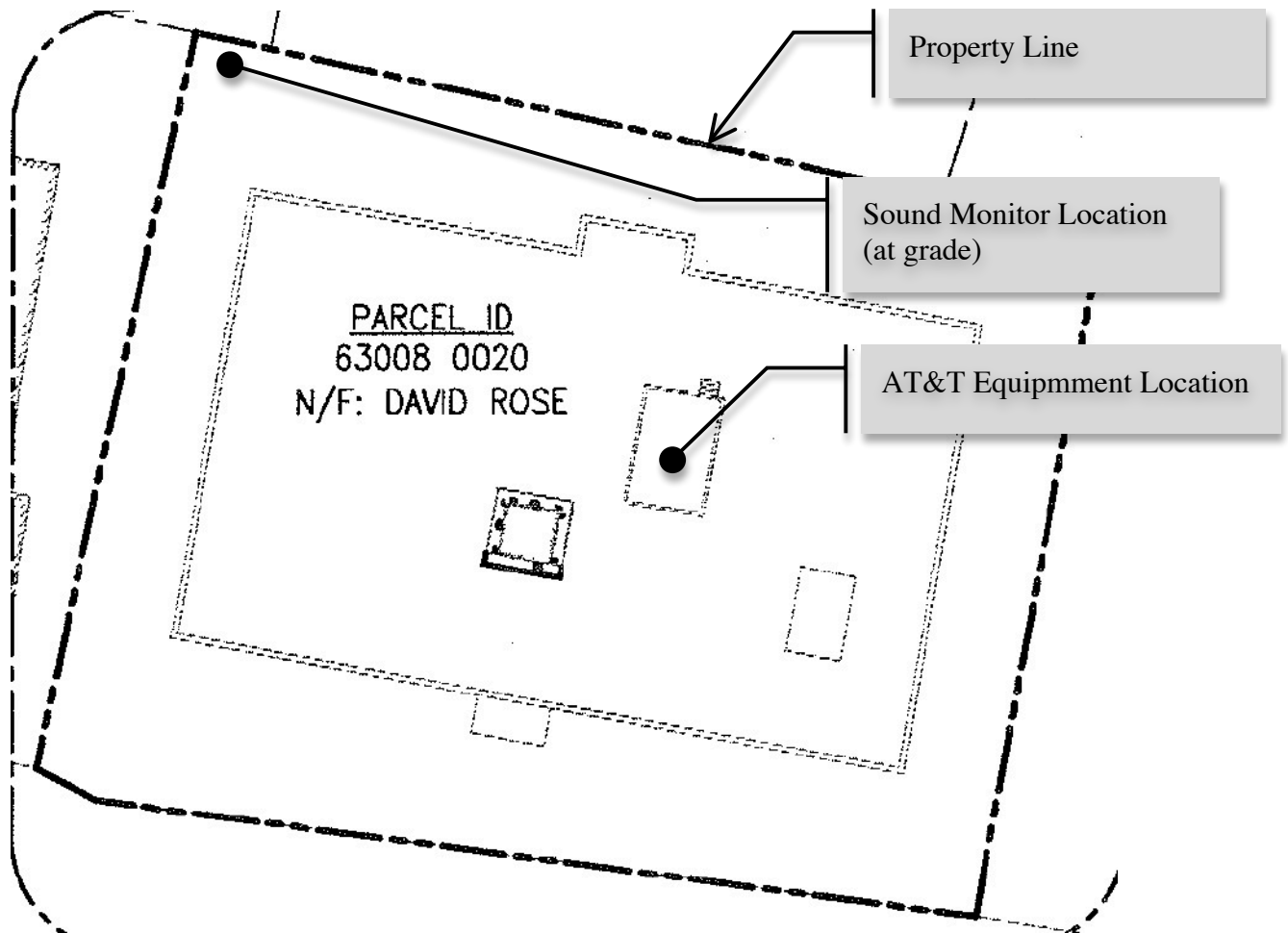
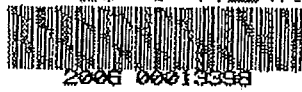


Figure 2 – Site Plan

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ATTACHMENT F

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#337-05

CITY OF NEWTONIN BOARD OF ALDERMEN

December 19, 2005

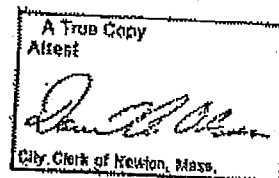
ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, hereby grants the following SPECIAL PERMIT and SITE PLAN APPROVAL for the installation of 6 wireless antennas and associated ancillary equipment on the roof of an existing multi-family building, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman George E. Mansfield;

1. The Board finds that the public convenience and welfare will be served through the installation of the 6 wireless antennas and associated ancillary equipment on the roof of the building because:
 - a. this wireless provider will be able to provide greater coverage and improved services for its customers;
 - b. the equipment will be well-screened and should have no adverse visual impact on surrounding neighborhood;
 - c. the petitioner will be providing sound-dampening on the screening wall around the ancillary equipment which should minimize any noise impacts;
 - d. The building appears to be structurally capable of handling the equipment on the roof, based on information provided by the petitioner's structural engineer.
2. The Board finds that installation of the wireless equipment, expansion of the existing penthouse with screenwalls and construction of a new faux penthouse, to a height equal to or less than the height of the existing penthouse structure, will not be substantially more detrimental to the neighborhood than the existing non-conforming building because the equipment is centrally located, away from the edge of the roof, and therefore will not result in either an actual increase in the height of the building or increase the visual height of the building.

Please Return To:

Anderson & Kreiger LLP
Attn: Paralegals (C/N/M/N/T/C/A/D)
43 Thorndike Street
Cambridge, MA 02141



MR: Book 11779, Page 352

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3. The Board finds that locating the ancillary equipment on the building's roof in lieu of the building's back yard is preferable because the roof-mounted location will minimize the impacts on abutting neighbors.

PETITION NUMBER: #337-05

PETITIONER: New Cingular Wireless/Commonwealth House Trust

/ LOCATION: 209 Commonwealth Avenue, Ward 7, Section 63,
Block 08, Lot 20.

/ OWNER: Commonwealth House Trust

ADDRESS OF OWNER: 209 Commonwealth Avenue

TO BE USED FOR: Installation and operation of 6 wireless antennas and
related ancillary equipment on the roof

CONSTRUCTION: Fiberglass screening walls, painted to match existing
penthouse.

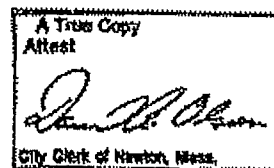
EXPLANATORY NOTE: Section 30-18A(e)(6) allows the Board to grant a
special permit for building-mounted wireless
communication equipment on a multi-family
structure in a Multi Residence I District not otherwise
allowed as-of-right; Section 30-18A(e)(10) allows the
Board to grant a special permit for the ancillary
equipment to be sited in a location other than the rear
yard; and Section 30-21(b) allows the Board to grant
a special permit for the extension or alteration of a
non-conforming structure.

Land referred to is located in a Multi Residence I District.

Approved, subject to the following conditions:

1. The 6 antennas, ancillary equipment, steel platform and screenwalls shall be located and constructed consistent with the plans prepared by Deberry-Goodkind, Inc., dated 11/18/05, including the following sheets:

- a. Sheet T-1, "Title Sheet,"
- b. Sheet Z-1, "Abutters Plan and Info,"
- c. Sheet Z-2, "Proposed Roof Plan," and
- d. Sheet Z-3, "Elevations"

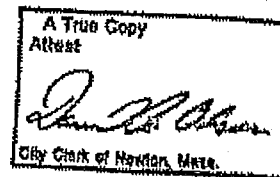


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2. This Special Permit shall be limited to the use of New Cingular Wireless or its successors and shall not be transferable.
3. The petitioner shall submit material samples & colors for the proposed screen walls at the existing penthouse and new faux penthouse to the Director of Planning & Development for review and approval.
4. The equipment will be kept in good appearance and in good operating order at all times.
5. If the wireless communication use ceases, the petitioner shall be responsible for the removal of said equipment within thirty (30) days.
6. If new technological changes permit smaller or internal equipment, the petitioner shall take advantage of such changes and replace the equipment approved herein to the extent feasible at this location, and approval for such replacement shall not be unreasonably withheld by the property owner of 209 Commonwealth Avenue.
7. In the event that the City issues a Request for Proposals to lease the City owned tower on Waban Hill for commercial wireless communication purposes, the petitioner shall submit a Proposal to the City for such use. If the petitioner's Proposal is successful, the petitioner shall submit an application for Special Permit and Site Plan Approval to the Board of Aldermen if required by Section 30-18A of the Zoning Ordinance to re-locate antennas approved by to this special permit to the City owned tower. If the installation of the antennas and all appurtenant equipment at the Waban Hill tower and site is approved by the Board of Aldermen, or if such installation can be done "by-right", the petitioner shall remove the 6 antennas and all appurtenant equipment permitted under this Special Permit from 209 Commonwealth Avenue within 30 days of the issuance of an occupancy permit for the antennas on the City owned tower.
8. The petitioner shall comply with the City's Noise Ordinance, Section 20-13 of the Revised Ordinances of the City of Newton, 2001.
9. The petitioner shall install the 16 oz. Acoustiblok sound dampening material to the interior of the screenwalls around the ancillary equipment.
10. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL until:
 - a. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.



Bk: 46858 Pg: 312

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- b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.
 - c. The petitioner shall have submitted the material samples and colors of proposed screenwalls in accordance with Condition 3. above.
 - d. The petitioner shall have submitted details on the installation of the Acoustiblok sound dampening material for review and approval by the Director of Planning and Development and Commissioner of Inspectional Services.
11. That no portion of the site subject to this SPECIAL PERMIT/SITE PLAN APPROVAL shall be occupied until:
- a. The petitioner shall have filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development, a statement by a registered architect or registered engineer certifying compliance with Condition 1.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Ald. Harney)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on December 30, 2005. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:


(Sgt. Linda Finck, City Clerk)

Clerk of the Board of Aldermen

 LINDA FINCK

I, Edward G. English, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board

A True Copy
Attest


City Clerk of Newton, Mass.